

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CLAUDE DORISCA,

Plaintiff,

-against-

ENHANCED RECOVERY COMPANY, LLC.,

Defendant(s).

KILLED

IN CLERK'S OFFICE
U.S. DISTRICT COURT E.D.N.Y. Civil Action No.:

★ NOV 1 - 2011 ★

BROOKLYN COMPLAINT

11-

5309

DEMAND FOR JURY TRIAL

WEXLER, J

X

Plaintiff CLAUDE DORISCA ("Plaintiff"), by and through his attorneys, M. Harvey Rephen & Associates, P.C., as and for its Complaint against the Defendant ENHANCED RECOVERY COMPANY, LLC., hereinafter referred to as "Defendant(s)", respectfully sets forth, complains and alleges, upon information and belief, the following:

INTRODUCTION/PRELIMINARY STATEMENT

1. Plaintiff brings this action on his own behalf for damages and declaratory and injunctive relief arising from the Defendant's violation(s) of §1692 et seq. of Title 15 of the United States Code, commonly referred to as the Fair Debt Collections Practices Act ("FDCPA").

PARTIES

2. Plaintiff is a resident of the State of New York, residing at 182 Wellington Rd., Elmont, NY 11003.

3. Defendant ENHANCED RECOVERY COMPANY, LLC is a Florida limited liability corporation with their main office at 8014 Bayberry Rd., Jacksonville, FL 32256-

7412.

4. ENHANCED RECOVERY COMPANY, LLC is a "debt collector" as the phrase is defined and used in the FDCPA under 15 USC §1692a (6).

JURISDICTION AND VENUE

5. The Court has jurisdiction over this matter pursuant to 28 USC §1331, as well as 15 USC §1692 et seq. and 28 U.S.C. §2201. If applicable, the Court also has pendent jurisdiction over the state law claims in this action pursuant to 28 U.S.C. §1367(a).

6. Venue is proper in this judicial district pursuant to 28 U.S.C. § 1391(b)(2).

FACTUAL ALLEGATIONS

7. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "6" herein with the same force and effect as if the same were set forth at length herein.

8. On information and belief, Defendant, on behalf of a third-party or itself as purchaser of the debt, began collecting an alleged consumer debt.

9. On information and belief, and better known to the Defendant, the Defendant began its collection efforts and campaign of communicating with the Plaintiff from approximately the beginning to middle of June 2011 by calling the Plaintiff to his father's phone and leaving messages. One of the calls occurred on October 4th, 2011.

10. The Defendant violated 15 USC §1692 c (b) when the Plaintiff's father, Ulrik Dorisca, heard the Defendant's messages while checking the voicemail which revealed that the Plaintiff owed a debt and was being contacted by a debt collector.

11. The Defendant's messages contained the full disclosures under 15 USC

§1692 e (11).

FIRST CAUSE OF ACTION
(Violations of the FDCPA)

12. Plaintiff repeats, reiterates and incorporates the allegations contained in paragraphs numbered "1" through "11" herein with the same force and effect as if the same were set forth at length herein.

13. Defendant's debt collection efforts attempted and/or directed towards the Plaintiff violated various provisions of the FDCPA, including but not limited to 15 USC §1692 c (b).

14. As a result of Defendant's violations of the FDCPA, the Plaintiff has been damaged and is entitled to damages in accordance with the FDCPA.

DEMAND FOR TRIAL BY JURY

15. Plaintiff CLAUDE DORISCA hereby respectfully requests a trial by jury for all claims and issues in its Complaint to which it is or may be entitled to a jury trial.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff CLAUDE DORISCA demands judgment from the Defendants ENHANCED RECOVERY COMPANY, LLC, as follows:

- A. For actual damages provided and pursuant to 15 USC §1692k(a)(1);
- B. For statutory damages provided and pursuant to 15 USC §1692k(2)(A);
- C. For statutory damages provided and pursuant to 15 USC §1692k(2)(B);
- D. For attorneys' fees and costs provided and pursuant to 15 USC

§1692k(a)(3);

E. A declaration that the Defendant's practices violated the FDCPA;

F. For any such other and further relief, as well as further costs, expenses and disbursements of this action, as this Court may deem just and proper.

Dated: New York, New York
October 21, 2011

Respectfully submitted,

By: 
M. Harvey Rephen, (MR3384), Esq.
M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582

Attorney for the Plaintiff Claude Dorisca

To: Enhanced Recovery Company, LLC.
8014 Bayberry Road
Jacksonville, FL 32256-7412

(Via Prescribed Service)

Clerk,
United States District Court, Eastern District of New York
(For Filing Purposes)

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

CASE NO.:

CLAUDE DORISCA,

Plaintiff,

-against-

ENHANCED RECOVERY COMPANY, LLC.,

Defendant(s).

COMPLAINT

*M. HARVEY REPHEN & ASSOCIATES, P.C.
708 Third Avenue, 6th Floor
New York, New York 10017
Phone: (212) 796-0930
Facsimile: (212) 330-7582*
